

1 PHILLIP A. TALBERT
2 United States Attorney
3 JUSTIN L. LEE
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700

5 Attorneys for Plaintiff
United States of America

6

7

8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 | UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

Defendant

CASE NO. 2:22-CR-00247-KJN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; FINDINGS AND ORDER

DATE: December 6, 2023

TIME: 9:30 a.m.

COURT: Hon. Kendall J. Newman

STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and
19 defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 6, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference
22 until March 20, 2024, and to exclude time between December 6, 2023, and March 20, 2024,
23 under Local Codes M and T4.

24 3. The parties agree and stipulate, and request that the Court find the
25 following:

26 a) The defendant was charged by information in December 2022.

27 Subsequently, the defendant was arrested on state charges that may impact the
28 resolution of the federal case. The defendant is presently in custody in the Nevada

1 County Jail and is unavailable.

2 b) Counsel for defendant believes that failure to grant the above-
3 requested continuance would deny her the reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence.

5 c) The government does not object to the continuance.

6 d) Based on the above-stated findings, the ends of justice served by
7 continuing the case as requested outweigh the interest of the public and the
8 defendant in a trial within the original date prescribed by the Speedy Trial Act.

9 e) For the purpose of computing time under the Speedy Trial Act, 18
10 U.S.C. § 3161, et seq., within which trial must commence, the time period of
11 December 6, 2023 to March 20, 2024, inclusive, is deemed excludable pursuant to 18
12 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance
13 granted by the Court at defendant's request on the basis of the Court's finding that
14 the ends of justice served by taking such action outweigh the best interest of the
15 public and the defendant in a speedy trial.

16 f) In addition, an exclusion of time is appropriate under Local Code M
17 based on the defendant's unavailability.

18 4. Nothing in this stipulation and order shall preclude a finding that other
19 provisions of the Speedy Trial Act dictate that additional time periods are excludable from
20 the period within which a trial must commence.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS SO STIPULATED.
2
3

4 Dated: December 5, 2023

5 PHILLIP A. TALBERT
6 United States Attorney

7
8
9 /s/ JUSTIN L. LEE
10 JUSTIN L. LEE
11 Assistant United States Attorney

12 Dated: December 5, 2023

13 /s/ LINDA HARTER
14 LINDA HARTER
15 Counsel for Defendant
16 MARIA L. CARRETERO

17
18
19
20
21
22
23
24
25
26
27
28
ORDER

IT IS SO FOUND AND ORDERED this 5th day of December, 2023.

Dated: December 5, 2023


17
18
19
20
21
22
23
24
25
26
27
28
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE